

# United States District Court

WESTERN

District of

NORTH CAROLINA

FILED

WILMINGTON, N. C.

AUG 27 AM 10:17

UNITED STATES OF AMERICA

V.

MARTIN WALTER LUCAS

## JUDGMENT IN A CRIMINAL CASE

(For Offenses Committed On or After November 1, 1987)

Case Number: SH-CR-91-92

(Name of Defendant)

Kenneth P. Epple, Jr.

Defendant's Attorney

### THE DEFENDANT:

☒ pleaded guilty to count(s) 4 & 5  
☐ was found guilty on count(s) \_\_\_\_\_ after a  
 plea of not guilty.

Accordingly, the defendant is adjudged guilty of such count(s), which involve the following offenses:

Title & Section	Nature of Offense	Date Offense Concluded	Count Number(s)
42:408(a)(7)(B)	Falsely represent Social Security number.	12-6-90	4
18:1001	Make false statements.	12-17-90	5

The defendant is sentenced as provided in pages 2 through 5 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has been found not guilty on count(s) \_\_\_\_\_, and is discharged as to such count(s).  
☒ Count(s) 1,2,3 ~~(is)~~(are) dismissed on the motion of the United States.  
☒ It is ordered that the defendant shall pay a special assessment of \$100.00, without interest for count(s) 4 & 5, which shall be due ☐ immediately ☒ as follows: On a schedule approved by the Probation office.

IT IS FURTHER ORDERED that the defendant shall notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

Defendant's Soc. Sec. No.: \_\_\_\_\_

Defendant's Date of Birth: \_\_\_\_\_

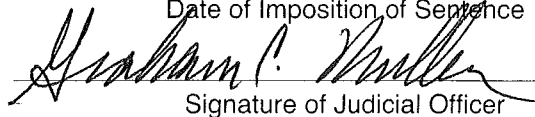
Defendant's Mailing Address:

Mecklenburg County JailCharlotte, N. C.

Defendant's Residence Address:

July 15, 1992

Date of Imposition of Sentence



Signature of Judicial Officer

GRAHAM C. MULLEN, Judge, U. S. District Court

Name &amp; Title of Judicial Officer

July 15, 1992

Date

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### IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of Fourteen (14) Months

☒ The court makes the following recommendations to the Bureau of Prisons: That the medical reports attached to Defendant's Presentence Investigation be evaluated in determining what additional treatment, if any, he needs and where he will be designated.

☒ The defendant is remanded to the custody of the United States marshal.  
☐ The defendant shall surrender to the United States marshal for this district,

- ☐ at \_\_\_\_\_ a.m. \_\_\_\_\_ p.m. on \_\_\_\_\_.
- ☐ as notified by the United States marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons,  
☐ before 2 p.m. on \_\_\_\_\_.  
☐ as notified by the United States marshal.  
☐ as notified by the probation office.

### RETURN

I have executed this judgment as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_ at \_\_\_\_\_  
\_\_\_\_\_, with a certified copy of this judgment.

\_\_\_\_\_  
United States Marshal

By \_\_\_\_\_  
Deputy Marshal

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Judgment—Page 3 of 5**SUPERVISED RELEASE**

Upon release from imprisonment, the defendant shall be on supervised release for a term of Three (3)  
Years

While on supervised release, the defendant shall not commit another federal, state, or local crime and shall not illegally possess a controlled substance. The defendant shall comply with the standard conditions that have been adopted by this court (set forth below). If this judgment imposes a restitution obligation, it shall be a condition of supervised release that the defendant pay any such restitution that remains unpaid at the commencement of the term of supervised release. The defendant shall comply with the following additional conditions:

- ☒ The defendant shall report in person to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.
- ☐ The defendant shall pay any fines that remain unpaid at the commencement of the term of supervised release.
- ☐ The defendant shall not possess a firearm or destructive device.

Submit to urinalysis, drug testing, treatment and aftercare as directed by the Probation office.

Participate in a program for psychological evaluation and counseling as approved by the Probation office.

Provide access to financial information as directed by the Probation office.

**STANDARD CONDITIONS OF SUPERVISION**

While the defendant is on supervised release pursuant to this judgment, the defendant shall not commit another federal, state or local crime. In addition:

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer within 72 hours of any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

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### RESTITUTION AND FORFEITURE

#### RESTITUTION

☒ The defendant shall make restitution to the following persons in the following amounts:

**Name of Payee**

**Amount of Restitution**

James H. and Georgia Fitzgerald, or  
First Union National Bank if it  
reimburses the Fitzgeralds

\$2,550.00, without interest

Payments of restitution are to be made to:

- ☐ the United States Attorney for transfer to the payee(s).  
☒ the payee(s).

Restitution shall be paid:

- ☐ in full immediately.  
☐ in full not later than \_\_\_\_\_.  
☐ in equal monthly installments over a period of \_\_\_\_\_ months. The first payment is due on the date of this judgment. Subsequent payments are due monthly thereafter.  
☒ in installments according to the following schedule of payments: As directed by the Probation office.

Any payment shall be divided proportionately among the payees named unless otherwise specified here.

#### FORFEITURE

- ☐ The defendant is ordered to forfeit the following property to the United States:

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### STATEMENT OF REASONS

☒ The court adopts the factual findings and guideline application in the presentence report.

OR

☐ The court adopts the factual findings and guideline application in the presentence report except (see attachment, if necessary):

#### Guideline Range Determined by the Court:

Total Offense Level: 6

Criminal History Category: VI

Imprisonment Range: 12 to 18 months

Supervised Release Range: 2 to 3 years

Fine Range: \$ 500 to \$ 5,000

☐ Fine is waived or is below the guideline range, because of the defendant's inability to pay.

Restitution: \$ \_\_\_\_\_

☐ Full restitution is not ordered for the following reason(s):

☐ The sentence is within the guideline range, that range does not exceed 24 months, and the court finds no reason to depart from the sentence called for by application of the guidelines.

OR

☐ The sentence is within the guideline range, that range exceeds 24 months, and the sentence is imposed for the following reason(s):

OR

The sentence departs from the guideline range

☐ upon motion of the government, as a result of defendant's substantial assistance.

☐ for the following reason(s):